

Message Text

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12

ACTION IO-13

INFO OCT-01 EUR-25 EA-11 ADP-00 L-03 AF-10 ARA-11 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02

INR-09 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 PCH-02 RSR-01 /232 W

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R 170034 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHCD 7053

INFO AMEMBASSY MANILA

AMEMBASSY OTTAWA

AMEMBASSY WELLINGTON

UNCLAS USUN 935

DEPT POUCH AMEMBASSY SUVA

E. O. 11652: NA

TAGS: PBOR, UN

SUBJ: LOS: SUBCOMMITTEE II - SIXTH MEETING -
MARCH 15

1. SUMMARY. PHILLIPINE REP PRESENTED CONFERENCE DOCUMENT
(SC II/ L.15) CO- SPONSORED BY FIJI, INDONESIA, MAURITIUS,
AND THE PHILIPPINES ON ARCHIPELAGIC PRINCIPLES. END SUMMARY.

2. TEXT OF PAPER AS FOLLOWS:

AN ARCHIPELAGIC STATE, WHOSE COMPONENT ISLANDS AND
OTHER NATURAL FEATURES FORM AN INTRINSIC GEOGRAPHICAL,
ECONOMIC AND POLITICAL ENTITY, AND HISTORICALLY HAVE OR
MAY HAVE BEEN REGARDED AS SUCH, MAY DRAW STRAIGHT BASELINES
CONNECTING THE OUTERMOST POINTS OF THE OUTERMOST ISLANDS
AND DRYING REEFS OF THE ARCHIPELAGO FROM WHICH THE EXTENT
OF THE TERRITORIAL SEA OF THE ARCHIPELAGIC STATE IS OR
MAY BE DETERMINED.

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THE WATERS WITHIN THE BASELINES, REGARDLESS OF THEIR
DEPTH OR DISTANCE FROM THE COAST, THE SEA- BED AND THE

SUBSOIL THEREOF, AND THE SUPERJACENT AIRSPACE, AS WELL AS ALL THEIR RESOURCES, BELONG TO, AND ARE SUBJECT TO THE SOVEREIGNTY OF THE ARCHIPELAGIC STATE.

INNOCENT PASSAGE OF FOREIGN VESSELS THROUGH THE WATERS OF THE ARCHIPELAGIC STATE SHALL BE ALLOWED IN ACCORDANCE WITH ITS NATIONAL LEGISLATION, HAVING REGARD TO THE EXISTING RULES OF INT'L LAW. SUCH PASSAGE SHALL BE THROUGH SEALANES AS MAY BE DESIGNATED FOR THAT PURPOSE BY THE ARCHIPELAGIC STATE. END TEXT.

3. PHILIPPINE REP DESCRIBED PAPER IN DETAIL SAYING THAT ARCHIPELAGO STATES CONSTITUTE A GEOLOGIC, ECONOMIC AND POLITICAL INTERGRATED UNIT. HE SAID HIS COUNTRY DESIRED TO HARMONIZE THE INTERESTS OF ARCHIPELAGO STATES WITH INTERESTS OF THE INTERNATIONAL COMMUNITY. HE STRESSED THAT THERE SHOULD BE NO LIMIT ON THE LENGTH OF STRAIGHT BASELINES OR THE MAXIMUM DISTANCE BETWEEN ISLANDS.

4. FIJI SPOKE IN SUPPORT OF THE PRINCIPLE PAPER STRESSING IMPORTANCE OF THE PHYSICAL RELATIONSHIP AMONG ISLANDS AS CRITERIA FOR ARCHIPELAGO: IN CASE OF WIDELY SCATTERED ISLANDS, THERE IS NO TRUE ARCHIPELAGO. HE SAID THAT IN HIS DELEGATION'S VIEW, WATERS WITHIN STRAIGHT BASELINES SHOULD BE "ARCHIPELAGIC WATERS"; TERRITORIAL WATERS WOULD LIE SEAWARD OF STRAIGHT BASELINES. HE DESCRIBED THE ARCHIPELAGIC WATERS AS BEING SUBJ TO A SPECIAL REGIME WHICH WOULD ALLOW INNOCENT PASSAGE IN ACCORDANCE WITH NATIONAL LEGISLATION BUT WITH REGARD TO EXISTING RULES ON INTERNATIONAL LAW, AND STATED HIS GOVERNMENT DOES NOT CONTEST RIGHT OF PASSAGE BUT ONLY INSISTS THAT SUCH PASSAGE NOT BE DETRIMENTAL TO THE ARCHIPELAGIC STATE.

5. MAURITIUS ENDORSED PRINCIPLES PAPER. REP SAID MAURITIUS ACCEPTS 12- MILE LIMIT PROVIDED COASTAL STATE HAS EXCLUSIVE FISHING ZONE AND HISTORIC FISHING RIGHTS ARE PROTECTED. HE STATED THAT WHERE TERRITORIAL FISHING RIGHTS EXIST WITHIN AN EXCLUSIVE FISHING ZONE OF ANOTHER COASTAL STATE, SUCH RIGHTS SHOULD BE PHASED OUT; WHERE SUCH RIGHTS EXIST BEYOND EXCLUSIVE ZONE, THEY SHOULD BE RETAINED. THUS, THE ECONOMIC ZONE CONCEPT WOULD

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ACCOMMODATE ACQUIRED RIGHTS.

6. NEW ZEALAND COMMENTED ON PRINCIPLES PAPER NOTING THAT PROBLEM OF ARCHIPELAGO IS SERIOUS AND ITS RESOLUTION WILL NOT BE EASY. HE STRESSED THAT DELICATE BALANCE OF RIGHTS MUST BE ACHIEVED INCLUDING RIGHT OF PASSAGE THROUGH ARCHIPELAGO. REP SAID NEW ZEALAND WOULD BE PREPARED TO CONSIDER PROPOSALS IN PAPER SYMPATHETICALLY WITHOUT COMMITMENT ON PARTICULARS. AUSTRALIA REP SAID PROPOSALS WERE

WELL CONSIDERED, NOTED IT HAD AN IMMEDIATE ARCHIPELAGO INTEREST IN PAPUA- NEW GUINEA AND ALSO STRESSED THE NEED TO BALANCE THE INTERESTS OF THE ARCHIPELAGO STATE WITH INTERNATIONAL COMMUNITY, PARTICULARLY NAVIGATION. HE SAID AUSTRALIA TAKES SYMPATHETIC INTEREST BUT RESERVES ITS RIGHT TO STUDY PRINCIPALS VERY CAREFULLY AND PARTICULARLY THE RIGHT OF INTERNATIONAL COMMUNITY, NOTABLY RIGHT OF NAVIGATION.

7. CANADA CONGRATULATED CO- SPONSORS ON NEW INITIATIVE AND ALSO NOTED NEED TO BALANCE INTERESTS.
PHILLIPS

NOTE BY OC/ T: POUCHES SUVA.

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<< END OF DOCUMENT >>

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